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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,787	10/14/2003	Frederic Dalmais	DAY 0766 PA/40195.733	2991

7590 05/19/2006

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EXAMINER
KRUER, KEVIN R

ART UNIT	PAPER NUMBER
1773	

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	**Application No.** 10/684,787	**Applicant(s)** DALMAIS ET AL.	
	Examiner Kevin R. Kruer	**Art Unit** 1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2,4-9,21 and 22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2,4-9,21 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The rejection of claim 21 under 35 U.S.C. 102(b) as being anticipated by JP 08-027439 (herein referred to as Takemura) has been overcome by argument. Takemura does not teach a non-permeable middle polymeric layer.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 2, 4-9, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bresson et al (US 5,352,507) in view of Linska (US 4,766,811) and WO93/01003 (herein referred to as Pinkston) for reasons of record.

Bresson teaches a multi-layered sleeve-like printing blanket that is mounted on gapless cylinders or tubular blanket carrier. The printing blanket comprises a seamless outer printing surface layer, at least one reinforced elastomer layer, and a resiliently compressible layer (abstract). The elastomer layer is reinforced by fibers substantially parallel with the inward and outward sides of the cylindrical tube ((col 5, lines 43+). Said layers are applied to a metal carrier with a thickness of greater than 0.001cm (col 8, lines 53+). As shown in FIGURE 6, the compressible layer (4) is positioned between the base layer (not shown) and the surface layer (6), and the reinforcing ply (5) is positioned between the compressible layer (4) and the surface layer(6). With regard to claim 5, the laminate further comprises a second reinforced elastomer (4b) between the surface layer and the compressible layer (FIG 6 and col 8, lines 25+). The carrier layer is mounted to a metal cylinder using an optional layer of suitable adhesive (col 5, lines 53+). Said adhesive may be a urethane adhesive (col 10, lines 59+) or other suitable pressure sensitive adhesive. Said layer of adhesive is understood to extend over substantially the entire surface of the base ply (see FIG 3, reference no 3 and col 11, lines 15+).

Bresson does not teach that the urethane adhesive layer may comprise a corrosion-inhibiting additive. However, Linska teaches a method of applying a printing blanket to a printing cylinder, which is designed to prevent corrosion of the cylinder surface. The method utilizes a double-side coated adhesive foil applied to the printing blanket. The adhesive-coated printing blanket is then wrapped about the cylinder so that the printing blanket is adhered to the cylinder by the double-side coated adhesive foil (abstract). The adhesive comprises a foil coated on both sides with a homogeneous adhesive layer (col 2, lines 46+). Said method is a cheap, easy manner in which to supply the metal cylinder with corrosion resistance (col 8, lines 18+). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the adhesive coated foil taught in Linska in place of the adhesive layer taught in Bresson. The motivation for doing so would have been to increase the corrosion resistance of the metal cylinder.

Linska does not teach the foil layer can be replaced by a polymeric layer comprising metal particles. However, Pinkston (like Linska) teaches an alternative for the nickel and chrome plating traditionally provided on printing cylinders in order to provide said cylinder with corrosion protection (top of page 2). Pinkston teaches corrosion resistance can lent to the cylinder by providing a sacrificial metal layer over the cylinder (page 4, lines 18+). The sacrificial metal may comprise a metal foil or utilizing metal particles in a polymeric binder (page 5, lines 20+). The courts have held that it is obvious to substitute one composition for a second composition when the equivalency of the compositions is recognized in the prior art (see MPEP 2141.05). Furthermore, an express suggestion to substitute one equivalent component for another is not necessary to render such substitution obvious. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a polymer layer comprising metal particles in place of the metal foil taught in Linska. The motivation for doing so would have been that said layers are known to be equivalent for providing corrosion resistance to printing cylinders. Linska teaches the particles have a diameter of 1-50um (page 6, line 3), which means the film is at least 0.0013cm thick.

With regard to claim 22, the metal carrier is herein understood to read on the claimed "base ply," the surface layer is understood to read on the claimed "surface layer," the metal particle containing layer is understood to read on the claimed "polymer in the form of a film or sheet" and the adhesive between the base layer and the foil is understood to read on the adhesive that adheres the second surface of the base ply and the “polymer in the form of a film or sheet."

Response to Arguments

Applicant's arguments filed May 1, 2006 have been fully considered but they are not persuasive.

Applicant argues it is the examiner has not demonstrated that the skilled artisan would have been motivated to use the adhesive foil of Linska in Bresson. Applicant argues Linska applies his foil to a cover plate on a printing cylinder, as opposed to on a printing blanket, and does not suggest applying a metal foil to a printing blanket comprising a printable surface layer and a metal base ply. The examiner acknowledges that Linska teaches applying the adhesive to the printing cylinder and then applying the printing blanket to the adhesive coated cylinder. In such an embodiment, however, the resulting laminate comprises a printing blanket having a printing surface and a protective polymer layer adhered to the opposite surface. Furthermore, Bresson teaches attaching the adhesive sheet to the printing blanket as opposed to the printing cylinder. Thus, the examiner maintains the position that Bresson in view of Linska would have rendered obvious the claimed printing blanket.

Applicant further argues Linska does not teach or suggest a multilayer laminate comprising two or more polymers with a polymer film therebetween which contains corrosion-inhibiting additives. The examiner Linska does not teach such a laminate but notes the rejection never relied upon Linska for such a teaching. The examiner further notes Pinkston was never relied upon to teach or suggest a blanket construction having a metal base ply. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231

USPQ 375 (Fed. Cir. 1986). Bresson in view of Linska and Pinkston teaches a multi-layer laminate for the reasons noted in the rejection.

With regard to claim 22, Applicant argues there is not motivation for making the proposed substitution of the particle-containing layer taught in Pinkston for the foil taught in Linska. Specifically, Applicant argues that Pinkston is not directed to a protective film which is used to reduce corrosion and abrasion of a printing blanket having a metal base ply but is rather concerned with reducing corrosion of a blanket cylinder. Said argument is noted, but is not persuasive. The reason or motivation to modify the reference may often suggest what the inventor has done, but for a different purpose or to solve a different problem. It is not necessarily that the prior art suggest the combination to achieve the same advantage or result discovered by applicant.

Applicant further argues the layer of Pinkston teaches the use of the metal particle containing elastomer with a fabric base ply, wherein the metal particle containing elastomer impregnates the fabric base ply. While the examiner acknowledges such embodiments are within the scope of Pinkston, Pinkston is not limited thereto. Broadly, Pinkston teaches metal foils and metal particle containing elastomers may be used interchangeably as protective layers for blanket cylinders/printing blankets.

Applicant further argues the coatings in Pinkston are taught to be ground after coating to expose the metal particles in the coating and thus would not meet the claimed layer thickness. The examiner respectfully disagrees. While it is taught the elastomer is ground in order to expose the particles, there is nothing in Pinkston that suggests the particles themselves are ground. Thus, the examiner maintains the position that the thickness taught in Pinkston reads on the claimed thickness.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R. Kruer whose telephone number is 571-272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin R. Kruer
Patent Examiner-Art Unit 1773